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PATENT COOPERATION TREATY

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Translation

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference H1826-01	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/012864	International filing date (day/month/year) 08 October 2003 (08.10.2003)	Priority date (day/month/year) 10 October 2002 (10.10.2002)
International Patent Classification (IPC) or national classification and IPC G11B 7/09, 7/125		
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 5 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 10 May 2004 (10.05.2004)	Date of completion of this report 27 October 2004 (27.10.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/012864

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
pages _____ 1-44 _____, as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☒ the claims:
pages _____, as originally filed/furnished
pages* _____ 1, 2, 7-15 _____, as amended (together with any statement) under Article 19
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☒ the drawings:
pages _____ 1/25-25/25 _____, as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. _____ 3-6 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/012864

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 13-15

because:

- ☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

- ☒ no international search report has been established for said claims Nos. 13-15.

- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the
Administrative Instructions in that:

- | | | |
|----------------------------|--------------------------|-----------------------------------|
| the written form | <input type="checkbox"/> | has not been furnished |
| | <input type="checkbox"/> | does not comply with the standard |
| the computer readable form | <input type="checkbox"/> | has not been furnished |
| | <input type="checkbox"/> | does not comply with the standard |

- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with
the technical requirements provided for in Annex C-bis of the Administrative Instructions.

- ☐ see Supplemental Box for further details.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/JP 03/12864

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1, 2, 7-12	YES
	Claims		NO
Inventive step (IS)	Claims	2, 12	YES
	Claims	1, 7-11	NO
Industrial applicability (IA)	Claims	1, 2, 7-12	YES
	Claims		NO

2. Citations and explanations

Claims 1, 7 to 11

Document 1: JP 11-73658 A (Matsushita Electric Industrial Co., Ltd.), 16 March 1999, entire text, fig. 1-2

Document 1 discloses an optical head having a constitution wherein a tracking error signal, which is obtained using the optical beams passing through two regions in the center of a compound diffraction element having six divided regions, is corrected using an offset correction signal obtained using the optical beams passing through the outer four regions.

Document 2: JP 2002-157756 A (Sharp Corp.), 31 May 2002, entire text, fig. 1-10

Document 2 discloses a spherical aberration detection means that generates a spherical aberration signal from a focal point error signal obtained using, among the optical beams reflected from an optical disk, those optical beams near the optical axis, and a focal point error signal obtained using those optical beams from the portion away from the optical axis.

Applying the spherical aberration detection means disclosed in document 2 to the optical head disclosed in

document 1 would be obvious to a person skilled in the art.

Claim 2

None of the documents cited in the international search report discloses or suggests a constitution for generating a tilt error signal by comparing the phases of a first push-pull signal obtained using the light flux passing through the two regions disposed between second and third dividing lines and a second push-pull signal obtained using the light flux passing through all regions of an optical dividing means.

Claim 12

None of the documents cited in the international search report discloses or suggests a constitution provided with a control circuit that adds an electrical offset to a focus error signal to generate a specified focus displacement, and determines a constant for maintaining within a specified range the fluctuation of a spherical aberration correction signal that occurs within the range of the specified focus displacement.